

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

JOSHUA F.,	:	Case No. 1:23-cv-00052
	:	
Plaintiff,	:	
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court on Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA). (Doc. No. 12.) Defendant did not file a memorandum in opposition and the time to do so has now expired.

Plaintiff seeks an award of attorney fees pursuant to 28 U.S.C. § 2412 in the amount of \$1,518.00 and costs in the amount of \$200.00. (Doc. No. 12 at PageID 533.) Plaintiff's Motion and supporting documents establish that he is entitled to an award of attorney fees and costs under the EAJA for the total amount that he seeks. (Doc. No. 7; Doc. No. 12.) For good cause shown, and in the absence of opposition by Defendant, Plaintiff's Motion is GRANTED.

The attorney fees awarded under the EAJA belong to Plaintiff, and not his attorney, and can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if

counsel for the parties verify that Plaintiff owes no pre-existing debt subject to offset, and if an EAJA assignment is provided to SSA, then Defendant shall pay Plaintiff's EAJA award directly to Plaintiff's attorney.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Attorney's Fees Pursuant to the EAJA (Doc. No. 12) is **GRANTED**;
2. Defendant shall pay Plaintiff's attorney fees in the amount of \$1,518.00 and costs in the amount of \$200.00;
3. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, and if an EAJA assignment is provided to SSA, Defendant shall pay the EAJA award directly to Plaintiff's counsel; and
4. The case remains terminated upon the Court's docket.

IT IS SO ORDERED.

s/ Caroline H. Gentry

Caroline H. Gentry

United States Magistrate Judge